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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/494,199	01/28/2000	Ramin Rezaiifar	PA000090CIP	3141

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Qualcomm Incorporated
Patents Department
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EXAMINER	
PHILPOTT, JUSTIN M	

ART UNIT	PAPER NUMBER
2665	

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/494,199	REZAIIFAR ET AL.	
	Examiner	Art Unit	
	Justin M Philpott	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 July 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed July 19, 2004 with respect to claims 1-4 and 27-29 have been fully considered but they are not persuasive.

Regarding claims 1-4 and 27-29, Applicant argues (pages 7-9) that Haas does not disclose transmitting a message including a number of dormant connections associated with a mobile station. Specifically, applicant argues that the passages of Haas cited in the previous office action indicate that the message transmitted by a sending element in Haas comprises indications of "active" connections (as opposed to "dormant" connections) with a mobile station, and that "dormant" connections are not established until *after* a base station receives the message.

However, in the previously cited passages, Haas teaches, "In addition [to each base station maintaining a list of active mobiles], each base station 10 maintains in its database a list of all the active mobiles 14 in the neighboring cells 6 which are locally referred to as non-active mobiles" (col. 3, lines 52-55). Thus, while applicant has correctly recognized that Haas teaches the message comprises a list of the mobiles that are considered to be active, contrary to applicant's argument, these mobiles are considered to be active *only* with respect to the sending element. Hass then teaches that these same mobiles with respect to the receiving element are inherently identified as non-active, or dormant, mobiles (col. 3, lines 50-64). Accordingly, the active connections of the sending element, are non-active or dormant connections of the receiving element. Thus, Haas teaches applicant's claim limitation of transmitting a message

which includes a number of dormant connections associated with a mobile station. Therefore, applicant's argument is not persuasive.

Regarding claim 3, applicant further argues (pages 11-14) that Chuah does not teach the limitations recited in applicant's claim. However, as discussed in the previous office action, and repeated herein, Chuah teaches a specific method for allowing the transfer of files and database access connections wherein a PPP connection is transferred from one packet server to another packet server (e.g., see abstract) without having to terminate a current PPP connection and then re-establish a new PPP connection (e.g., see col. 2, lines 1-9). Chuah also teaches a connection table is provided for the PPP connections (e.g., see col. 14, lines 35-41). The teachings of Chuah provide a mobile communications user with the ability to change connections from one network access server to another without having to terminate and then re-establish connections (e.g., see col. 1, line 55 – col. 2, line 37). As discussed, Haas also discloses mobile communications may include file transfer and database access (e.g., see col. 1, lines 15-23), however, Haas may not specifically disclose an embodiment for achieving the transferring of a PPP connection from one packet server to another packet server without having to terminate a current PPP connection and then re-establish a new PPP connection. Thus, at the time of the invention it would have been obvious to one of ordinary skill in the art to apply the teachings of Chuah to the method of Haas, whereby the dormant/non-active connection table of Haas comprises connections which are PPP connections, in order to provide a specific method for allowing the transfer of files and database access connections wherein a PPP connection is transferred from one packet server to another packet server without having to terminate and then re-establish connections (e.g., see col. 1, line 55 – col. 2, line 37). Thus, applicant's argument is not persuasive.

2. Applicant's arguments (pages 10-11) filed July 19, 2004 with respect to claims 5-26 have been fully considered and are persuasive. Therefore, the rejection of claims 5, 6, 9, 11-15, 17-21 and 23-26 under 35 U.S.C. 102(b) has been withdrawn; however, these claims are rejected under 35 U.S.C. 103(a) in the following action as being unpatentable over Haas et al. Claims 7, 8, 10, 16, 22 and 27-29 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Haas in view of Chuah but for new reasons discussed in the following action.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 5-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, claim 5 recites the limitation "the mobile station" (line 2). There is insufficient antecedent basis for this limitation in the claim. Applicant may overcome this rejection by amending the claim to instead recite "a mobile station".

Claims 6-8 are rejected for being dependent upon claim 5. Applicant may overcome thes rejections by amending claim 5 as suggested above.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,577,168 to Haas et al.

Regarding claim 1, Haas teaches a method for transmitting from a second infrastructure element (e.g., one of cells 6 in FIG. 1) associated with a packet data services node (e.g., base station 10, see col. 2, line 1 – col. 4, line 67 regarding data traffic in a packet switched system) a message (e.g., list of active mobiles associated with the cell, or second infrastructure element, see col. 3, lines 50-64) including a number of network connections (e.g., connections of the active mobiles in the second infrastructure element) associated with a mobile station (e.g., mobile 14) and a reduced list of identifiers (e.g., ID numbers) and enhanced information (e.g., addresses of destinations and channel numbers, see col. 3, lines 58-64) associated with the connections, wherein the active connections within the second infrastructure element (i.e., the cell from which the message is transmitted) are viewed as non-active or dormant connections by the first infrastructure element (i.e., the cell which receives the message) (e.g., see col. 3, line 50 – col. 4, line 18), and wherein the dormant connections are connections that are not being used to transmit traffic channel data (e.g., the dormant connections established inherently do not transmit traffic channel data since such data is transmitted on the active connections, see col. 4, lines 5-18).

Regarding claim 2, the message of Haas does not comprise Service Request Identifiers (e.g., see col. 3, lines 50-64).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 5, 6, 9, 11-15, 17-21 and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haas.

Regarding claims 5, 9, 11, 15, 17, 21 and 23, as discussed above regarding claim 1, Haas teaches a method for transmitting from a second infrastructure element (e.g., one of cells 6 in FIG. 1) associated with a packet data services node (e.g., base station 10, see col. 2, line 1 – col. 4, line 67 regarding data traffic in a packet switched system) a message (e.g., list of active mobiles associated with the cell, or second infrastructure element, see col. 3, lines 50-64) including a number of network connections (e.g., connections of the active mobiles in the second infrastructure element) associated with a mobile station (e.g., mobile 14) and a reduced list of identifiers (e.g., ID numbers) and enhanced information (e.g., addresses of destinations and channel numbers, see col. 3, lines 58-64) associated with the connections, wherein the active connections within the second infrastructure element (i.e., the cell from which the message is transmitted) are viewed as non-active or dormant connections by the first infrastructure element (i.e., the cell which receives the message) (e.g., see col. 3, line 50 – col. 4, line 18), and wherein

the dormant connections are connections that are not being used to transmit traffic channel data (e.g., the dormant connections established inherently do not transmit traffic channel data since such data is transmitted on the active connections, see col. 4, lines 5-18).

While Haas disclose the message is maintained within, and transmitted from, a base station and not a mobile station, it is generally considered to be within the ordinary skill in the art to shift the location of parts absent a showing of unexpected results. Thus, at the time of the invention it would have been obvious to one of ordinary skill in the art to shift the location of database listings from the base station to mobile stations since it is generally considered to be within the ordinary skill in the art to shift the location of parts absent a showing of unexpected results. The contention of obvious choice in design can be overcome if Applicant establishes unexpected results. In re Japikse, 86 USPQ 70 (CCPA 1950).

Regarding claims 12, 18 and 24, the message of Haas does not comprise Service Request Identifiers (e.g., see col. 3, lines 50-64).

Regarding claims 6, 14, 20 and 26, the message of Haas includes packet zone identification information (e.g., lists are specific to coverage area, see col. 3, lines 50-64).

Regarding claims 13, 19 and 25, Haas teaches the message comprises an origination message including an indicator that the dormant network connections are dormant (e.g., the message includes channel numbers associated with the connections, wherein the assigning of channel numbers is indicative of the status of the connection as either active or dormant, see col. 3, line 50 – col. 4, line 18).

9. Claims 3, 4, 7, 8, 10, 16, 22 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haas et al. in view of U.S. Patent No. 6,496,491 to Chuah et al.

Regarding claims 3, 10, 16, 22, 27 and 29, Haas teaches the method as discussed above regarding claims 1, 5, 9, 11, 15, 17, 21 and 23, and further, Haas teaches a connection table (e.g., database list, see col. 3, lines 50-64) that includes identifiers (e.g., ID numbers) and further discloses that the method may be applied to communications which include mobile computing, wireless messaging, file transfer and database access (e.g., see col. 1, lines 15-23) and, also, that the identifiers may comprise IP addresses (e.g., see col. 3, lines 13-16) wherein such an IP connection for file transfer and database access implicitly comprises connection to a network access server. However, Haas may not specifically disclose the connections are PPP connections, wherein the connection table would be a reduced entry PPP connection table.

Chuah also teaches a method for packet data communications experiencing handoffs, and further, teaches a specific method for allowing the transfer of files and database access connections wherein a PPP connection is transferred from one packet server to another packet server (e.g., see abstract) without having to terminate a current PPP connection and then re-establish a new PPP connection (e.g., see col. 2, lines 1-9). Chuah also teaches a connection table is provided for the PPP connections (e.g., see col. 14, lines 35-41). The teachings of Chuah provide a mobile communications user with the ability to change connections from one network access server to another without having to terminate and then re-establish connections (e.g., see col. 1, line 55 – col. 2, line 37). As discussed, Haas also discloses mobile communications may include file transfer and database access (e.g., see col. 1, lines 15-23), however, Haas may not specifically disclose an embodiment for achieving the transferring of a PPP connection from one

packet server to another packet server without having to terminate a current PPP connection and then re-establish a new PPP connection. Thus, at the time of the invention it would have been obvious to one of ordinary skill in the art to apply the teachings of Chuah to the method of Haas, whereby the dormant/non-active connection table of Haas comprises connections which are PPP connections, in order to provide a specific method for allowing the transfer of files and database access connections wherein a PPP connection is transferred from one packet server to another packet server without having to terminate and then re-establish connections (e.g., see col. 1, line 55 – col. 2, line 37).

Further, regarding claim 3, the identifiers in a reduced PPP connection table taught by Haas in view of Chuah implicitly includes radio access network packet data service node interface communication pipe identifiers (e.g., see Haas col. 1, lines 30-40 regarding a radio access, or cellular, network; and see Chuah FIG. 8 regarding packet data service node 815 and col. 14, lines 35-41 and Table 4 regarding identifiers implicitly comprising communication pipe identifiers).

Regarding claims 4 and 28, the message of Haas does not comprise Service Request Identifiers (e.g., see col. 3, lines 50-64).

Regarding claims 7 and 8, the enhanced information (e.g., addresses of destinations and channel numbers) of Haas in view of Chuah implicitly conserves traffic channel resources by reducing negotiation or registration (e.g., see Haas col. 3, lines 58-64 regarding transmitting the identified addresses of destinations and channel numbers already associated with the active connections, wherein such transmission implicitly reduces connection negotiation or registration by informing the receiving unit of such existing connection information). Further, regarding

claim 7, Chuah teaches the connections comprise PPP connections (e.g., see col. 1, lines 63-68), and as discussed above, at the time of the invention it would have been obvious to one of ordinary skill in the art to apply the teachings of Chuah to the method of Haas, whereby the dormant/non-active connection table of Haas comprises connections which are PPP connections, in order to provide a specific method for allowing the transfer of files and database access connections wherein a PPP connection is transferred from one packet server to another packet server without having to terminate and then re-establish connections (e.g., see col. 1, line 55 – col. 2, line 37). Further, regarding claim 8, Haas teaches the mobile units may utilize IP (e.g., see col. 3, lines 16-23), thus, implying Mobile IP is utilized.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin M Philpott whose telephone number is 571.272.3162. The examiner can normally be reached on M-F, 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on 571.272.3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Justin M Philpott

ALPUS H. HSU
PRIMARY EXAMINER